

The PRESIDING OFFICER. Without objection, it is so ordered.

#### 25TH NATIONAL COWBOY POETRY GATHERING

Mr. REID. Mr. President, I rise today to recognize the 25th National Cowboy Poetry Gathering, which is held every January in Elko, NV.

For 25 years, the National Cowboy Poetry Gathering has been providing a forum for the expression and celebration of the artistic spirit of those that live and work in the rural West. Through both traditional and contemporary forms, this gathering has showcased dancers, filmmakers, musicians, storytellers, and poets—each contributing their experience of the western lifestyle. From urban areas to rural ones, people from across the country gather in Elko every year to listen to and experience the artistic soul of the authentic cowboy.

The first cowboy poetry gathering was held one weekend in January in 1985. It drew a crowd that included frontier enthusiasts as well as skeptics who questioned whether cowboys could also be poets. After that first gathering, the poetic nature of the cowboy could no longer be doubted, and what started as a small weekend event eventually transformed into a weeklong cultural excursion that draws thousands of visitors and participants from across the globe. It has reinvigorated interest in preserving and spreading the cowboy narrative, inspiring other communities to hold similar events throughout the West.

The National Cowboy Poetry Gathering has created an environment that contributes a wealth of riches to our shared western heritage. In January of 2009 the Western Folklife Center in Elko will host its 25th gathering. I would like to congratulate them on this achievement.

#### TRIBUTE TO SENATOR ROBERT BYRD

Mr. COCHRAN. Mr. President, I am pleased to join with my colleagues in congratulating Senator ROBERT BYRD on his 50 years of exemplary and distinctive service in the U.S. Senate.

Senator BYRD is a distinguished Member of the Senate and has served in many important positions of responsibility in this body during his tenure as Senator from West Virginia. He has served as minority and majority leader, as chairman and ranking member of the Appropriations Committee, and as President pro tempore of the Senate.

It has been a great privilege to serve with Senator BYRD on the Appropriations Committee. I have learned so much from him since joining this committee in 1981. Senator BYRD has been a good friend as well as a mentor. It has also been a great pleasure to serve with him on the Homeland Security Appropriations Subcommittee, which we have both chaired.

I look forward to continuing to serve with him in the coming years.

#### GAZA

Mr. BAYH. Mr. President, I rise today to commend Majority Leader REID and Republican Leader MCCONNELL for introducing S. Res. 10, an important piece of legislation which reaffirms unwavering support of the United States for Israel and Israel's right to defend itself and protect its citizens. Hamas' unwillingness to renounce violence and recognize Israel's right to exist is the central impediment to achieving a lasting peace between the Israelis and Palestinians. I stand strongly with the people of Israel in their efforts to cope with the terrorist threat from Hamas. No nation can be asked to endlessly turn the other cheek when its people are subject to indiscriminate, unprovoked, and lethal missile strikes. Like all people, the citizens of Israel have the right to live safely within secure borders.

While the responsibility for the current violence rests with Hamas, both sides must take every possible step to avoid harming innocent civilians. Furthermore, both sides must work towards a durable and sustainable ceasefire that prevents Hamas from rearming and improves the daily living conditions of the people in Gaza.

The current bloodshed in Gaza is also a grave reminder of Iran's role in arming, training, and assisting extremist groups like Hamas. The Iranian regime is the world's most active state sponsor of terrorism. The current violence further underscores the importance of using aggressive sanctions to deter the Iranian regime from taking future actions that destabilize the region and threaten our democratic allies.

We have learned as a nation that terrorism and the advocacy of extremism are not distant problems but those which we must confront vigilantly. Terrorism has no geographic boundaries. We must continue our efforts to confront Islamic extremism and to eliminate terrorists' ability to strike against the United States and our allies. Therefore, I wholeheartedly support S. Res. 10, which underscores our Nation's commitment to help provide for Israel's security and to encourage a lasting and secure peace in the Middle East.

#### NO OIL EXPORTING AND PRODUCING CARTELS ACT

Mr. SPECTER. Mr. President, as our economy sinks further into recession, OPEC, which controls about 40 percent of the world oil supplies, has announced its biggest single production cut ever. As a result, since December 17 when the cartel announced its record production cuts, oil prices have risen 40 percent.

For decades, the members of OPEC have conspired to manipulate oil prices by limiting the number of barrels sold.

U.S. antitrust laws explicitly prohibit conspiracies in restraint of trade, which include agreements to cut production in an effort to cause prices to rise. Cartel activity by OPEC members clearly violates U.S. antitrust laws.

Unfortunately, OPEC members have escaped liability for their antitrust violations. The Foreign Sovereign Immunities Act makes foreign states liable under U.S. law for their commercial activities but not their governmental activities. In *International Association of Machinists v. OPEC*, a California district court held that OPEC's cartel activity was governmental activity, not commercial activity, and was therefore immune from the antitrust laws. On appeal, the Ninth Circuit affirmed.

These court decisions were wrong. Government-owned companies engaged in purely business activities are subject to the antitrust laws.

That is why Senator KOHL and myself as well as nine other cosponsors are reintroducing the No Oil Producing and Exporting Cartels Act, or NOPEC. The legislation reverses these court decisions, making it clear that cartel activity OPEC is commercial activity that is subject to the antitrust laws. NOPEC also makes it clear that OPEC members are subject to the jurisdiction of U.S. courts.

Applying antitrust law to foreign conduct is consistent with current law. In *Hartford Fire Insurance Co. v. California*, the Supreme Court held that U.S. courts have jurisdiction over antitrust suits involving foreign conduct by foreign actors if the conduct has substantial effects in the United States. Clearly, OPEC's cartel activities have substantial effects in the United States.

The Justice Department has over the years prosecuted many foreign cartels in a myriad of industries, including vitamins, marine hose, liquid crystal display panels, textiles, construction, food, chemicals, graphite electrodes, ocean shipping and fine arts auctions. Indeed, over the past decade, around half of the corporate defendants in cartel cases brought by the Justice Department have been foreign-based. In the vitamins case, for example, the Justice Department successfully prosecuted a cartel of foreign vitamin manufacturers that held meetings abroad to allocate market share and set prices—just like OPEC. In many of the cases involving foreign cartels, foreign executives have been extradited to the U.S. to serve significant prison sentences.

Critics have argued that NOPEC would harm U.S. relations abroad or discourage foreign investment in the United States. However, NOPEC leaves the decision to prosecute OPEC members in the hands of the executive branch by giving the Justice Department sole authority to prosecute.

NOPEC enjoys strong bipartisan support and has since its first introduction back in 2000. The Senate Judiciary